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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,344	04/20/2004	Jean De Bernardi	116037	2600
25944	7590	02/28/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ALI, MOHAMMAD M	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/827,344	Applicant(s) DE BERNARDI ET AL.	
	Examiner Mohammad M. Ali	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5—7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by MATSUSHITA REIKI KK [MATJ] (JP 2000121210 A). MTJ discloses an electrical connection device of a refrigeration compressor comprising a cabinet/cover 10, at least one support 8/20 for electrical and electronic components 24, 4/5; and a cap/cover 10 having an open side face delimited by an edge whose shape at least partially matches the shape of the side wall/compressor shell 1, the cap/cover being intended to be applied by its open side face against the side wall/compressor shell 1 of the compressor, thus forming a wall of the cabinet/cover 10, support 20 made of metal has holes and able to evacuate liquid residues. See Fig. 1-5 and the enclosed 4 sheets of translation in English language and abstract in the same language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over MTJ in view of McCoy (6,752,646) MTJ discloses the invention substantially as claimed as stated above. However MYJ does not disclose a convex cap. McCoy teaches the use of a convex cap 20 with a compressor for the purpose of enclosing and protecting electrical components. See Fig 1. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of MTJ in view of McCoy such that a convex cap could be provided in order to enclose and protect the electrical and electronic components at then side wall of a compressor. Regarding claim 3 for seals, the mating surface of cover 10 and the side surface of compressor shell 1 being similar and in order to protect the electronic and electrical components enclosed by the cover 10, cover 10 should be closely fitted with the side surface of compressor shell 1, moreover the cover being made of plastic it is obvious that a sealing surface is provided with the cover 10. Regarding claim 8 for support made of plastic is an alternative to metal as chosen in claim 9 and it is an obvious choice of an individual skilled in the art to choose alternative material and there is no criticality or unexpected result from it. Regarding claim 10 for cap made of ABS;

the cover of MTJ being made of plastic it is obvious that the plastic is of the same family of ABS as both of them serve the same purpose.

Claims 1-2, 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita in view of Moore et al., (6,290,528). Matsushita discloses the invention substantially as claimed as stated above including the seal in inherent nature. However, for better and clear understanding, Moore et al., teach the use of seal 53 in a connector housing 24 over a compressor housing shell 22 for the purpose of protecting the electrical component under the connector housing. Therefore. It would have been obvious to one having ordinary skill in the art at the time the inventions was made to modify the electrical connection device of a refrigeration compressor of Mitsushita such that a seal could be provided in order to protect the electrical components on the compressor shell.

Claims 4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita in view of McCoy and Moore et al., Matsushita discloses the invention substantially as claimed as stated above. However Matsushita does not disclose a convex cap and seal. McCoy teaches the use of a convex cap 20 with a compressor for the purpose of enclosing and protecting electrical components. See Fig 1. And Moore et al., teach the use of seal 53 in a connector house 24 over a compressor shell 22 for the purpose of protection of electrical component. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of Matsushita in view of McCoy and Moore et al., such that a convex cap and a

seal could be provided in order to enclose and protect the electrical and electronic components at the side wall of a compressor

Response to Arguments


Applicant's arguments filed 12/15/05 have been fully considered but they are not persuasive. The Applicant argued, "wherein the cap has seals on at least part of its edge in contact with the side wall of the compressor." The Examiner disagrees. The cap of Matsushita, though does not specifically disclose any seal it inherently possesses at least a part of its edge in contact with the side wall since the cover 10 is a protective one and it has the similar mating face to contact with the compressor shell 1. On the other hand the sealing arrangement on such cover assembly is not new as explained in the further 103 rejections above. Therefore, rejections are proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad M. Ali whose telephone number is (571) 272-4806. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MOHAMMAD M. ALI
PRIMARY EXAMINER